# UNITED STATES DISTRICT COURT
## EASTERN DISTRICT OF WASHINGTON

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| UNITED STATES OF AMERICA,<br><br>                                  Plaintiff,<br><br>-vs-<br><br>ROMAN BERUMEN PEREZ,<br><br>                             Defendant. | **Case No.**     **1:21-CR-2009-SAB-2**<br><br>**CRIMINAL MINUTES**<br><br>**DATE:**     **OCTOBER 4, 2022**<br><br>**LOCATION:  YAKIMA, WA**<br><br>**SENTENCING HEARING** |

### Chief Judge Stanley A. Bastian

| Michelle Fox | 01 | Natalia Rivera | Marilynn McMartin |
|---|---|---|---|
| **Courtroom Deputy** | **Law Clerk** | **Interpreter** | **Court Reporter** |

| Michael Murphy | Richard Smith |
|---|---|
| **Government Counsel** | **Defense Counsel** |

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| **United States Probation Officer:**  Sean Carter |

**[X ]  Open Court**          **[  ]  Chambers**          **[ ]  Telecon/VIDEO**

Defendant present and out of custody of the US Marshal.

Court confirms with defendant that he can hear and understand the proceedings with the assistance of the Court Certified Interpreter.
      Defendant indicates yes.

Court addresses counsel.  Defendant pled guilty to Count 4.  Court summarizes maximum penalties and guidelines.  Court has reviewed all of the materials submitted and presentence report.

No objections to the presentence report.

Court outlines that this is an 11(c)1(C) agreement.  M. Murphy presents argument.  R. Smith presents argument.  Safety valve eligible.   Court will apply the safety valve.

M. Murphy presents argument and outlines recommendations.
     Court questions counsel regarding supervised release.  M. Murphy responds.

## [ X ]  ORDER FORTHCOMING

| **CONVENED:**   **11:00** A.M. | **ADJOURNED: 12:05** P.M. | **TIME: 1** HR. **5**  MIN. | **CALENDARED**     **[  X  ]** |
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Sentencing Hearing

R. Smith presents argument and outlines recommendations.  Variance argued.   Court questions counsel regarding deportation.  R. Smith responds.  R. Smith continues argument.

Court speaks to the defendant.

Defendant speaks to the Court.

Court asks counsel regarding deportation.  R. Smith responds.

Marco Perez speaks to the Court.

Court speaks to the defendant.  Court outlines the 3553 factors.

 10 months home detention.

Imprisonment:   Credit for Time Served.

Supervised Release:   3 years with the standard conditions and the following special conditions:

Court imposes 10 months home detention.

1. If deported or removed, you are prohibited from returning to the United States without advance legal permission from the United States Attorney General or his designee. Should you reenter the United States, you are required to report to the probation office within 72 hours of reentry.

2. You must submit your person, residence, office, or vehicle and belongings to a search, conducted by a probation officer, at a sensible time and manner, based upon reasonable suspicion of contraband or evidence of violation of a condition of supervision. Failure to submit to search may be grounds for revocation. You must warn persons with whom you share a residence that the premises may be subject to search.

3. You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

4. You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

5. You must not enter into or remain in any establishment where alcohol is the primary item of sale. You must abstain from alcohol and must submit to urinalysis and Breathalyzer testing as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.

SPA:  $100.00

Fine:  Waived

Waiver of Right to Appeal discussed.

M. Murphy moves to dismiss count 1.  Court grants and dismisses Count 1.